



1 twitching on the left side of his face and body, and ringing in his left ear. His symptoms  
2 continued to worsen over time, and at one point he passed out. He alleges that Dr. Adamson and  
3 Dr. Marks failed to provide him with adequate treatment for his condition.

4 In his first emergency motion for injunctive relief, Plaintiff states that he is in need of  
5 serious medical treatment due to ongoing and worsening vertigo, pressure migraines, eye  
6 sensitivity, neck stiffness, and other issues due to the brain injury he suffered (as a result of the  
7 softball incident). He states that he needs immediate diagnostic treatment for a possible brain  
8 tumor and/or swelling, and Defendants have not provided him with proper treatment. Plaintiff  
9 alleges Defendants have made it clear that treatment will only take place if he settles his case.  
10 Plaintiff seeks an order that Defendants be required to provide him with necessary medical  
11 treatment. As an aside, Plaintiff mentions that at a medical appointment on December 1, 2022, a  
12 medical provider said he could not do anything for Plaintiff as a result of his medical file missing  
13 documents related to his condition. (ECF No. 38.)

14 Defendants oppose Plaintiff's first emergency motion, asserting that Plaintiff was seen on  
15 December 1, 2022, regarding complaints of cold/flu symptoms, and there is no notation in the  
16 record that there were missing documents from Plaintiff's medical file. They further contend that  
17 Plaintiff did not provide the required meet and confer declaration required for an emergency  
18 motion, and he did not include points and authorities. Finally, they contend that his complaint of  
19 a possible brain tumor is unrelated to this action. (ECF Nos. 43, 45-1.)

20 Plaintiff subsequently filed an amended emergency motion which contains points and  
21 authorities. Plaintiff reiterates that as early as June 7, 2020, he began to plead for treatment but  
22 has been ignored, and as a result his condition has worsened. He seeks an order that he be  
23 transported to Northern Nevada Correctional Center (NNCC) for immediate treatment, and if the

1 neurologist contracted with NNCC is unavailable, that he receive treatment from an outside  
2 neurologist. Plaintiff further requests this all occur within two weeks of his arrival at NNCC.  
3 Plaintiff provides medical kites and grievances filed between June 12, 2020, and December  
4 2021, where he has requested medical treatment for symptoms that appear related to those he  
5 suffered as a result of the softball incident. (ECF No. 47.)

6 Defendants also oppose the amended motion for injunctive relief. First, they assert that  
7 Plaintiff was seen on December 1, 2022, for symptoms related to a cold/flu, and not for  
8 complaints of a brain tumor or swelling in his head. Second, they again argue that Plaintiff did  
9 not satisfy the meet and confer requirement for an emergency motion. Finally, they contend that  
10 he does not provide a legal or factual basis to support the issuance of an injunction. (ECF No.  
11 48.)

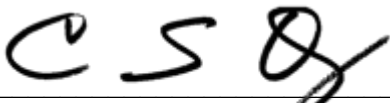
12 Defendants maintain that Plaintiff cannot show he is entitled to relief because he did not  
13 see a provider (on December 1, 2022) for symptoms related to his complaint. However, the  
14 medical kites and grievances submitted by Plaintiff indicate that Plaintiff has continued to  
15 complain of ongoing symptoms, to no avail. Defendants do not address Plaintiff's evidence. Nor  
16 did they provide the court with Plaintiff's relevant medical records for the court to determine  
17 whether Plaintiff has been seen and/or treated for the symptoms he claim stem from the softball  
18 incident.

19 Therefore, on or before **March 3, 2023**, Defendants shall file **under seal** Plaintiff's  
20 **relevant** medical records, medical kites and grievances from June 2020 to present. The Attorney  
21 General's Office shall ensure that Plaintiff is given a reasonable opportunity to review these  
22 records.

1 The court will then determine whether a hearing is necessary, which will likely require  
2 testimony from defendant Dr. Marks or Plaintiff's current treating provider within NDOC, or  
3 whether to issue a report and recommendation based on the briefing.

4 **IT IS SO ORDERED.**

5 Dated: February 23, 2023

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7 Craig S. Denney  
United States Magistrate Judge